

November 18th, 2020

Hon. Naomi Reice Buchwald Southern District of New York

RE: Joe Hand Promotions, LLC v. Rossi et al 1:20-cv-06534-NRB FIRST MOTION for Extension of Time *to Serve*.

Dear Judge Buchwald,


I am Marisol Rossi, a defendant in this action, hereby appear pro se. I ask the Court to Reconsider the order of 11/18/2020 granting the Plaintiffs' motion for extension of time pursuant to Federal Rule of Civil Procedure 60 (b) (3). And I ask the opportunity and permission to enter as supporting evidence, surveillance recordings.

For context, in this case Plaintiff alleges having made several attempts to serve me prior to his deadline. However, I have evidence to demonstrate that they did not. Moreover, the servers, Thomas Bunting, statement in this case seems to indicate significant inconsistency. The server says that, while attempting to serve me (1) On 11/14/2020, at 4pm, there was no answer at this time and there were 2 cars in the driveway; (2) On 11/16/2020, at 6:35pm, there was no answer at this time and that both cars were present; (Declaration of Plaintiff's Counsel in Support of Motion for extension of time, Document 16, and Affidavit of Thomas Bunting, at 15). But (1) I have surveillance video as evidence that such statements are fabricated, false and a misrepresentation of the truth for their gain. Supporting evidence will show he was not there on 11/14/2020 nor was there a white car in my driveway; (2) He was not there on 11/16/2020 and surveillance shows not any car was parked in my driveway. (3) On 11/17/2020 (a day after the deadline) Surveillance shows an individual arriving at my residence and taping copy of summons on my door.

I had no knowledge that anyone was attempting to serve me and the Counsels statement in Document 16 "Plaintiff has attempted to serve Defendants at this address twice to date but Defendants are clearly actively avoiding service by refusing to answer the door at the above-referenced address despite two (2) vehicles being parked in the driveway at the time of both service attempts. For good cause shown herein or alternatively at the discretion of the court, Plaintiff hereby seeks an additional 60 days to complete service of process." is false and a misrepresentation of the truth.

Plaintiff did not meet the deadline ordered to serve by 11/16/2020. Good cause shown is inaccurate. I was not personally served the summons and complaint, I had no knowledge of them until 11/17/2020, when the summons and complaint were taped on the front door. the purported service on Defendants was not valid or effective under Federal Rule of Civil Procedure 4 ("Rule 4") and Court should grant the motion to dismiss under Rule 12(b)(5) for insufficiency of process with prejudice as per time barred.

Thank you for your consideration.

Respectfully,
/s/ Marisol Rossi 

Marisol Rossi
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